**DECLARATION - USA PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled NUCLEIC ACID MOLECULES ENCODING RED AND GREEN EMITTING LUCIFERASES; the specification of which was filed on **November 14, 2001** as Application Serial No. **09/993,874** and was amended on **November 10, 2004**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION

Priority
Claimed

No.: **199800000195**

Country: **Italy**

Date Filed: **09/02/1998**

Yes

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S.A. Application(s)

Application No.: **09/516,958**

Filing Date: **03/01/2000**

Status: **Abandoned**

Application No.: **09/388,290**

Filing Date: **09/01/1999**

Status: **Abandoned**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are

punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Vadim R. Viviani**

Inventor's signature 

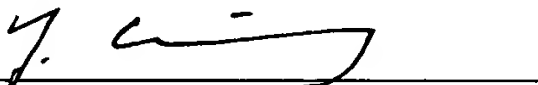
Date 02/15/05

Residence: **28 Lowell St., Somerville, MA 02145**

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Full name of second inventor: **Yoshihiro Ohmiya**

Inventor's signature 

Date 09. Feb. 2005

Residence: **Orito 1-20-11, Shimizu, Shizuoka 424-0902 JAPAN**

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